

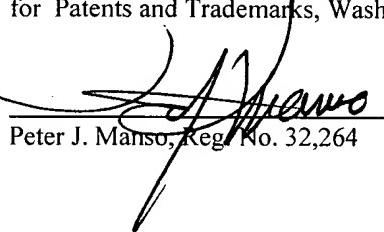
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Attorney Docket No. 20710-95586

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service with sufficient pre-paid postage as First Class Mail, on September 1, 2000, and is addressed to: Box Amendment, Assistant Commissioner for Patents and Trademarks, Washington, D.C. 20231.


Peter J. Manso, Reg. No. 32,264

8-1-00
September 1, 2000

Deposit Date

In re Application of:

Eugenio Cefali

Serial No.:

08/962,421

Filing Date:

October 31, 1999

Group Art Unit:

1615

Examiner:

J. Spear

Title:

**INTERMEDIATE RELEASE NICOTINIC ACID
COMPOSITIONS FOR TREATING HYPERLIPIDEMIA
WHICH EXHIBIT AN IN VIVO STAIR-STEPPED
ABSORPTION CURVE**



Box Amendment

Assistant Commissioner for Patents
Washington, D.C. 20231

September 1, 2000

Sir:

RESPONSE

This responds to the Office Action mailed on March 1, 2000 in connection with the above-identified application for U.S. patent.

In the Office Action mailed on March 1, 2000, the Examiner has rejected claims 1-4 under 35 U.S.C. §112, first paragraph, and under 35 U.S.C. §102(b) as being anticipated by O'Neill, U.S. Patent No. 5, 268,181:

Applicant respectfully takes issue with the Examiner's position that claims 1-4 recite a relationship to treatment limiting hepatotoxicity and treatment limiting elevations in uric acid or glucose levels and, thus, intended use is not a basis for determining patentability of composition